



PATENT
Attorney Docket No. 209391/B&S

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

LEIDNER et al.

Application No. 09/828,219

Art Unit: 1714

Filed: April 9, 2001

Examiner: Callie E. Shosho

For: ERASABLE COLORED PENCIL LEAD

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01-05-03

RESPONSE TO OFFICE ACTION

Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

In response to the Office Action dated July 5, 2002, please enter the following amendments and consider the following remarks. A page showing the requested changes is attached.

AMENDMENTS

IN THE CLAIMS:

Please cancel claims 11-19 without prejudice.

IN THE ABSTRACT:

Replace the abstract with the new abstract provided on a separate sheet.

REMARKS

Claims 1, 4-10, 22-41, and 69-91 are currently pending, and a set of pending claims is attached. The abstract has been amended to improve the form. No new matter has been added.

Claims 11-19 have been cancelled. This should remove the rejection under 35 U.S.C. § 101.

Claims 1 and 4-10 are rejected under the doctrine of obviousness-type double patenting as allegedly unpatentable over claims 1-16 of U.S. Patent 6,271,286. Applicants enclose herewith a Terminal Disclaimer with respect to U.S. Patent 6,271,286 as an administrative convenience. *Quad Environmental Technologies Corp. v. Union Sanitary District*, 946 F.2d

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